

REMARKS

Applicants amended Claim 17 to clarify the definition of group "G" and further amended the claim to remove the phrase relating to an "appropriate reagent".

Applicants amended Claim 26, as suggested by the Examiner, to define the term R^x and also removed the phrase relating to "reagent."

Claim 27 was amended to properly define the term R^a.

Claim 29 was amended to remove the term "VG."

Claim 31 was amended to remove the phrase relating to "reagent."

Claim 41 was amended to include CO₂Et as part of group "G," as well as removing the proviso language. Claim 41 was also amended to define "A" as -CH.

Applicants added new Claim 46. Support for this claim may be found in the reaction examples at pages 13-16, wherein G is defined within those examples.

Applicants reserve the right to file divisional applications directed to any unclaimed or cancelled matter.

35 U.S.C. § 112(2nd Par.) Rejection.

(a) Paragraph 4. The Examiner rejected Claims 26-40 under 35 U.S.C. § 112(2nd Par.), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that the term R^x is an open definition and suggested amending the Claim to list the particular radicals of interest.

As suggested by the Examiner, Applicants amended Claim 26 to define preferred groups of R^x. Support for this amendment may be found at page 10 of the specification. Applicants believe this amendment now renders the objection moot.

(b) Paragraph 5. The Examiner rejected Claims 17-25, 30, 31 and 41 under 35 U.S.C. § 112(2nd Par.), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner contends that the term "derivative" is indefinite, since it does not state what compounds are contemplated.

Applicants' amended Claim 17 to clarify the definition of "G". Applicants also deleted the term "derivative." Support for this amendment may be found at page 11, lines 21-22, to page 12, lines 1-14.

(c) Paragraph 6. The Examiner rejected Claims 17-25 and 30-37 under 35 U.S.C. § 112(2nd Par.), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner contends that the phrase, “with an appropriate reagent for converting the group G to a –C(RX)=NH group,” is indefinite.

Applicants amended Claim 17, removing language related to the phrase objected to by the Examiner. Applicants submit that in light of the present amendment that the rejection is rendered moot. Consequently, Applicants respectfully request that the Examiner reconsider the rejection of 17-25 and 30-37.

(d) Paragraph 7. Claims 26-29 are rejected under 35 U.S.C. § 112(2nd Par.), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner contends that the phrase “with a reagent that will convert one R^X group to another” is indefinite.

Applicants amended Claim 26, removing the phrase “with a reagent that will convert.” Applicants submit that in light of the present amendment that the rejection is rendered moot. Accordingly, Applicants respectfully request that the Examiner reconsider the rejection of Claims 26-29.

(e) Paragraph 8. Claim 27 is rejected under 35 U.S.C. § 112(2nd Par.), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, since R^σ is not defined. Applicants amended Claim 27 to properly define such term. Applicants believe the rejection is now rendered moot in light of the amendment of Claim 27.

(f) Paragraph 9. Claim 29 is rejected under 35 U.S.C. § 112(2nd Par.), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because the compound of formula IV is not defined and the occurrence of “VG” twice is superfluous. Applicants amended Claims 29, as suggested by the Examiner. Accordingly, Applicants believe the rejection is rendered moot.

(g) Paragraph 10. Claim 31 is rejected under 35 U.S.C. § 112(2nd Par.), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because of the phrase “with a

reagent that may be used.” Applicants amended Claim 31 to remove such language and believe the rejection is now rendered moot.

(h) Paragraph 11. Claim 43 is rejected under 35 U.S.C. § 112(2nd Par.), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because the limitation of “G represents CO₂Et” has no antecedent basis in Claim 41. Applicants cancelled Claim 43.

(i) Paragraph 12. Claim 41 is rejected under 35 U.S.C. § 112(1st Par.), as failing to comply with the written description requirement, because of the proviso added in Applicants’ last Amendment and Response. Applicants deleted the proviso, thus, rendering the rejection moot.

(j) Paragraph 13. Claim 41 and 43 are rejected under 35 U.S.C. § 102(b), as anticipated by Bunnage (WO 99/54333). In the interest of expediting prosecution, Applicants amended Claim 41, such that “A represents CH.” Support for this amendment is found on page 12, lines 15-16, of the specification. Claim 43 is canceled.

CONCLUSION

Having addressed all points and concerns raised by the Examiner, Applicants respectfully request an early and favorable action in this application.

Respectfully submitted,

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